UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,016	12/31/2003	Bhashyam Ramesh	11303	3665

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John D. Cowart
Teradata Law IP, WHQ-4W
NCR Corporation
1700 S. Patterson Blvd.
Dayton, OH 45479-0001

EXAMINER
SAEED, USMAAN

ART UNIT	PAPER NUMBER
2166	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Advisory Action *Before the Filing of an Appeal Brief*	Application No.	Applicant(s)
	10/751,016	RAMESH ET AL.
	Examiner	Art Unit	
	Usmaan Saeed	2166	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>22 May 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: <u>*1-42*</u>.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

LESLIE WONG
PRIMARY EXAMINER

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20070608

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Chiang does not teach, "determining the average height of the histogram" and "a reclassification threshold." In response to the preceding argument examiner respectfully submits that Chiang teaches "determining the average height of the histogram buckets" as Global Interval Size--the average number of rows to be fitted in one interval (Chiang Col 4, Lines 17-20). Examiner interprets the average number of row in an interval to be as average height of the histogram. Further, Campos teaches the average histogram height is computed for the non-zero bins H=Hs/B where B is the number of non-zero bins and Hs is the sum of the heights for the non-zero bins.
Chiang does not explicitly teaches the "reclassification threshold" but Campos discloses a "reclassification threshold" as when the number of entries assigned to a node reaches a pre-specified threshold the node is split and its buffer entries divided among its child nodes (Campos Paragraph 0052).   Therefore, based on the threshold the entries are being reclassified.

Further applicant argues that Chiang or Campos do not teach "else, if the number of high-bias buckets is less than a fixed number of high-bias buckets."
In response to the preceding arguments examiner respectfully submits that the claim 6 has conditional statements "if all of the high-bias buckets are not full, representing the value in a high-bias bucket, else, if the number of high-bias buckets is less than a fixed number of high-bias buckets." Therefore only one of these conditions needs to be met.
Campos teaches "else, if the number of high-bias buckets is less than a fixed number of high-bias buckets" as when the number of entries assigned to a node reaches a pre-specified threshold the node is split and its buffer entries divided among its child nodes (Campos Paragraph 0052). Further Chiang discloses "else, if the number of high-bias buckets is less than a fixed number of high-bias buckets" as the histogram stores only a specified number of intervals (Chiang Col 7, Lines 53-55).

Further applicant argues that Chiang or Campos do not teach, "(b) determining a remaining number of buckets equal to the total number of buckets less the number of high-bias buckets used."
In response to the preceding argument examiner respectfully submits that Chiang discloses "(b) determining a remaining number of buckets equal to the total number of buckets less the number of high-bias buckets used" as if, at anytime, the count of a row of the global aggregate spool is greater than or equal to the Loner criteria, then the summary record's count field is set to (-1)*(row's count) and the summary record is sent to the coordinator AMP 116 (Chiang Col 7, Lines 14-18). Further Chiang discloses that the histogram stores only a specified number of intervals (Chiang Col 7, Lines 53-55).

Further applicant argues that Mozes does not teach "the minimum percentage of rows 1/(FB)% and the adjusted minimum percentage (V(FB - 1))/ FB %."
In response to the preceding arguments examiner respectfully submits that Mozes teaches "the minimum percentage of rows 1/(FB)% and the adjusted minimum percentage (V(FB - 1))/ FB %" as for example, consider if the statistic being addressed by the sampling is the "Number of Rows in Table." A minimum value, such as "2500" can be established for this type of statistic. If the identified number of rows from step 202 is less than 2500 rows, then the sample size or sample percentage is increased (208), and steps 202 and 204 are repeated until the minimum sample size is achieved (Mozes Col 4, Lines 47-54). Therefore Mozes is teaching minimum and adjusted percentage of rows by repeating steps 202 and 204.